

FILED

June 07, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY: SL DEPUTY

Sealed
Public and unofficial staff access
to this instrument are
prohibited by court order

United States Courts
Southern District of Texas
FILED
2023 May 18 PM 1:59
Nathan Ochsner, Clerk of Court
SOUTHERN DIST. S/7

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA**v.**

**BOLAJI OKUNNU,
AYODEJI OKUNNU,
VICTOR RUBIO, JR.,
BOUGAR ROBERT LINARES SOTO,
and PHILIP OGBEIDE, JR.**

§
§
§
§
§
§
§
§
§

1:23-mj-357-DH**CRIMINAL NO. 4:23-cr-222****SEALED****INDICTMENT****THE GRAND JURY CHARGES:****COUNT ONE**

(Conspiracy to Commit Wire Fraud, 18 U.S.C. § 1349)

INTRODUCTION

At all times material to this Indictment:

1. The defendants **BOLAJI OKUNNU, AYODEJI OKUNNU, and PHILIP OGBEIDE, JR.** resided in Houston, Texas. The defendants **VICTOR RUBIO, JR.** and **BOUGAR ROBERT LINARES SOTO** resided in California.
2. Victim is a township in New Jersey.
3. Company A is a provider of electrical and mechanical sales and services for customers in New Jersey.
4. A “money mule” is a person recruited to open a bank account, or use an already open bank account, under their control for the purpose of receiving money

For the Court

For Plaintiff

For the Plaintiff

For the Plaintiff

For the Plaintiff

For the Plaintiff

illegally acquired and then to transfer some or all of the funds, often through electronic means, on behalf of others. A money mule is typically allowed to keep a percentage of the funds deposited into their account as a payment.

5. The term “business email compromise” (“BEC”) refers to a sophisticated fraud often targeting businesses involved in wire-transfer services. A BEC is accomplished by compromising and/or mimicking (“spoofing”) legitimate business email accounts, often through social engineering or computer intrusion techniques. Perpetrators of BEC fraud then use the email access to cause the target company, or individuals involved in legitimate business transactions with the target company, to conduct unauthorized transfers of funds to money mules’ bank accounts.

THE CONSPIRACY:

6. From at least in or about April 2021 through at least in or about December 2021, in the Southern District of Texas and elsewhere, the defendants **BOLAJI OKUNNU, AYODEJI OKUNNU, VICTOR RUBIO, JR., BOUGAR ROBERT LINARES SOTO, and PHILIP OGBEIDE, JR.**, participated in a conspiracy to defraud and to launder the fraud proceeds received from victims. Defendants, and others known and unknown to the Grand Jury, did willfully and knowingly combine, conspire, confederate, and agree together and with each other to execute a scheme and artifice to defraud and to obtain money, funds, and property by means of false and fraudulent pretenses, representations and promises

7. The purpose of the conspiracy was for defendants, and others known and unknown to the Grand Jury, to engage in business email compromise schemes to ROBERT LINARES SOTO, and PHILIP OGBEIDE, JR., the defendants, had obtained access to the business email account of an employee (“EMP-1”) of sending money owed to the company to a bank account under the defendants’ control which was then quickly transferred and disbursed to other bank accounts under defendants’ control.

18, United States Code, Section 1343.

MANNER AND MEANS:

PURPOSE OF THE CONSPIRACY:

8. By at least in or about November 23, 2021,

7. The purpose of the conspiracy was for defendants, and others known and unknown to the Grand Jury, to engage in business email compromise schemes to ROBERT LINARES SOTO, and PHILIP OGBEIDE, JR., the defendants, had obtained access to the business email account of an employee (“EMP-1”) of sending money owed to the company to a bank account under the defendants’ Company A. EMP-1’s email was then used to send fraudulent interstate wire instructions to the bank account under the control of Company A. under defendants’ control.

9. In response to those fraudulent wire instructions, and believing they were

MANNER AND MEANS:

communicating with Company A, on or about November 23, 2021, the Victim

8. By at least in or about November 2021, co-conspirators of BOLAJI caused its bank to send an interstate wire of \$287,236.14 to an account controlled

OKUNNU, AYODEJI OKUNNU, VICTOR RUBIO, JR., BOUGAR

ROBERT LINARES SOTO, and PHILIP OGBEIDE, JR., the defendants, had obtained access to the business email account of an employee (“EMP-1”) of Company A. EMP-1’s email was then used to send fraudulent interstate wire instructions to the Victim for a payment that the Victim owed to Company A.

9. In response to those fraudulent wire instructions, and believing they were

communicating with Company A, on or about November 23, 2021, the Victim

caused its bank to send an interstate wire of \$287,236.14 to an account controlled

1956(a)(1)(B)(i).

All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

which, in fact, involved the proceeds of a specified unlawful activity, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, knowing that the transactions were designed, in whole and in part, to conceal and disguise the nature, location, source, ownership, and control of the proceeds of such specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

All in violation of Title 18, United States Code, Section 1956(h).

Pursuant to Title 28, United States Code, Section 2461(c),

NOTICE OF CRIMINAL FORFEITURE
28 U.S.C. § 2461(c); 18 U.S.C. §§ 981(a)(1)(C) & 982(a)(1)(A)

charged in Count One of this Indictment, the United States gives notice to the defendants that in the event of conviction of the offense charged in Count One of this Indictment, the United States will seek forfeiture of all property, real or personal, which constitutes or is derived from proceeds traceable to such offense.

Pursuant to Title 18, United States Code, Section 982(a)(1), the United States gives notice to the defendants that in the event of conviction of the offense charged in Count Two of this Indictment, the United States will seek forfeiture of all property, real or personal, involved in money laundering or traceable to such property.

Money Judgment and Substitute Assets

The United States will seek the imposition of a money judgment against each defendant. In the event that a condition listed in Title 21, United States Code, United States Attorney, Section 853(p) exists, the United States may seek to forfeit any other property of the defendants in substitution.

By: *Alamdar S. Hamdani*
Belinda Beek
Thomas Carter
Assistant United States Attorneys

A TRUE BILL:

Original Signature on File

FOREPERSON OF THE GRAND JURY

ALAMDAR S. HAMDANI
United States Attorney

By: *Thomas Carter*
Belinda Beek
Thomas Carter
Assistant United States Attorneys

RECEIVED
UNITED STATES MARSHAL

2023 MAY 19 PM 1:59

SOUTHERN DIST. TEX

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.
Ayodeji Okunnu) Case No. 4:23cr222
)
)
)
)
)

Defendant

ARREST WARRANT

Sealed
Public and unofficial staff access
to this instrument are
prohibited by court order.

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) Ayodeji Okunnu

who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Count 1: Conspiracy to commit wire fraud 18 USC 1349
 Count 2: Conspiracy to commit money laundering 18 USC 1956(h)

Date: 05/19/2023

Issuing officer's signature

City and state: Houston, Texas

T Hannable, Deputy Clerk

Printed name and title

Return

This warrant was received on (date) _____ at (city and state) _____

, and the person was arrested on (date) _____

Date: _____

Arresting officer's signature

Printed name and title